

JUN 23 1975

PROCLAMATION

BY THE

Governor of the State of Texas

LEGISLATIVE CLERK'S OFFICE
CAPITOL BUILDING
CAPITOL STATION

ALL TO WHOM THESE PRESENTS SHALL COME:

June 21, 1975

As provided under the provisions of Section 14, Article IV, Constitution of the State of Texas, I disapprove of House Bill 970, passed by the 64th Legislature, Regular Session, 1975, and hereby file such Bill with the Secretary of State, State of Texas, setting forth the following objections:

House Bill 970 does not create an additional ground for disqualification of a district judge in that the Texas Constitution, statutory law, and the Code of Judicial Conduct direct that every judge disqualify himself in a proceeding in which his impartiality might reasonably be questioned.

The establishment of disqualification by merely filing an affidavit under this Bill, with no type of hearing or judicial determination, is questionable under the American concept of due process. Further, there seems to be no reason for singling out district judges for disqualification on a different basis from that of other trial court judges.

This Bill relates to assignment of another judge to try a case when a judge of the court is disqualified and appears to disregard Section 11, Article V, Constitution of the State of Texas, which provides that when a district judge is disqualified for a cause stated in that Section, the parties may, by consent, appoint a proper person to try the case.

The State Judicial Qualifications Commission was created and directed by the Constitution and laws of this State to take action to ensure the proper performance of the duties of the members of the judiciary.

House Bill 970 was received in the Governor's Office less than (10) days prior to the adjournment of the Regular Session of the 64th Legislature and, in accordance with the Constitution of the State of Texas, this Bill, together with this Proclamation, is filed with the Secretary of State of the State of Texas.